

SUMMARY
STATE ELECTION BOARD MEETING
2 Martin Luther King Jr., Dr., Ste. 512
Atlanta, Georgia 30334
Wednesday, September 24, 2008
10:00 a.m.

1. Chairperson Handel called the State Election Board (SEB) Meeting to order at 10:03 a.m. with a roll call. A quorum was established with Jeff Israel, Tex McIver, Secretary Handel, David Worley, and Randy Evans in attendance. Chairperson Handel stated Jeff Israel would conduct the Invocation and then everyone would stand for the Pledge of Allegiance.
2. Chairperson Handel then called for the next order of business, public comments.
3. John Evans stated he was concerned with potential problems on Election Day and wanted to ensure everything is done to minimize any problems.
4. Charlene Glover, City Council member in the City of Greenville, stated she was extremely concerned with the election process in the City of Greenville and asked the board to ensure proper training is provided.
5. David Kitchen, McIntosh County citizen, is concerned with voter registration, absentee ballots being dropped and not counted. Randy Evans made a motion to accept the handout from Mr. Kitchen. Chairperson Handel seconded, and the motion passed unanimously.
6. Bobbie Paul shared her concerns with the number of voting machines, poll workers, and with the ExpressPoll books.
7. Christiane French was concerned with newly registered voters and the voters lists.
8. Peter Isbister stated he was concerned with the registration and voting process in Fayette County with respect to identification provided at the time a voter registration application is submitted.
9. Sally FitzGerald wanted her statement in the June 17, 2008 minutes amended to read "schools currently have no mechanism in place for young people who volunteer to work as poll workers and to possibly treat their absence as a field trip."
10. Board Member, Randy Evans, submitted a letter to the board stating to avoid even the appearance of impropriety, he has relegated all powers and responsibilities for the office of General Counsel of the Georgia Republican Party to Anne W. Lewis, the Chief Deputy General Counsel of the Georgia Republican Party. Ms. Lewis will have all responsibility for the Election Day Task Force as well as all other matters in connection with the 2008 General Election.

Chairperson Handel made a motion to accept the letter, Tex McIver seconded, and the motion passed unanimously.
11. Chairperson Handel called for the next order of business, approval of June 17, 2008 minutes and asked if the Board had any comments. Pending the change requested by Sallie FitzGerald, Chairperson Handel made a motion to approve the minutes. Jeff Israel seconded and the motion passed unanimously.
12. Chairperson Handel called for the approval of July 8, 2008 minutes and asked if the Board had any comments. Randy Evans made a motion to approve the minutes, Jeff Israel seconded and the motion passed unanimously.
13. Chairperson Handel moved to the next order of business, the Inspector General cases.
 - a. SEB Case No. 2007-000022 Fannin County – Shawn LaGrua presented the case and recommended the board accept the Consent Order. Randy Evans stated the violation may conflict with Georgia law and moved to table this case until they could speak with Stefan Ritter. Chairperson Handel seconded the motion and the motion passed unanimously.

- b. SEB Case No. 2007-000028 City of Greenville – Shawn LaGrua presented the case and recommended the case be referred to the Attorney General's (AG's) office. Public speakers were Gia Compton, Attorney, Rodney Garrett, James Bray, Johnnie Owens, Gloria Morris, Ann Moreland, and Charlene Glover.

Randy Evans made a motion to add the City of Greenville as a Respondent and to table this case for the next scheduled State Election Board meeting. Chairperson Handel seconded and the motion passed unanimously.

- c. SEB Case No. 2007-000034 City of Tybee Island - Shawn LaGrua presented the case and stated based on case law and legislative changes, there does not appear to be a violation of Georgia Election Law and recommended the case be closed.

Randy Evans made a motion to accept the recommendation to close this case, David Worley seconded; the motion passed unanimously.

- d. SEB Case No. 2007-000039 City of Mt. Airy – Shawn LaGrua presented the case and recommended the case be referred to the AG's office. Public speakers were John Dickerson, City Attorney, Gary Morris, Mayor, and Councilman Ray McAllister.

Randy Evans made a motion to refer the case to the AG's office, Tex McIver seconded; motion passed unanimously.

- e. SEB Case No. 2007-000042 City of Byromville – This case was presented and recommended for referral to the AG's office. Public speakers were Toni Sawyer, Byromville Attorney, Victor Clark, and Lynn Murray.

Randy Evans made a motion to refer the case to the AG's office, Jeff Israel seconded, and the motion passed unanimously.

- f. SEB Case No. 2007-000043 City of Buena Vista – Chris Harvey presented this case and recommended closing this case.

Randy Evans made a motion to close this case, Tex McIver seconded, and the motion passed unanimously.

- g. SEB Case No. 2007-000045 City of Plains – Chris Harvey presented this case and recommended the case be referred to the AG's office. Public speakers were A.B. Jackson, Andrea Oates, and Clara Shenault.

David Worley made a motion to refer the case to the AG's office for recommendation of an Administrative Hearing. Chairperson Handel seconded and the motion passed unanimously.

- h. SEB Case No. 2007-000047 City of Darien – Chris Harvey presented this case and recommended the case be closed.

David Worley made a motion to close the case, Jeff Israel seconded; the motion passed unanimously.

- 14. At 12:20 p.m., Chairperson Handel made a motion to break for Executive Session. Tex McIver seconded; the motion passed unanimously.
- 15. At 1:10 p.m., Randy Evans made a motion to return from Executive Session, Jeff Israel seconded; motion passed unanimously.
- 16. Randy Evans made a motion that the State Election Board authorize sending a letter to the Democratic Party of Georgia pursuant to O.C.G.A. § 9-15-14. Tex McIver seconded the motion. David Worley stated he opposed this motion. The motion passed 4 – 1 with David Worley voting against.

17. Randy Evans made a motion that in the event the AG's office declines to send the letter to the Democratic Party of Georgia pursuant to O.C.G.A. § 9-15-14, the State Election Board authorizes the Secretary of State, as the Chair of the State Election Board, to send the letter on behalf of the board. Tex McIver seconded the motion; David Worley stated he opposed this motion. The motion passed 4 – 1 with David Worley voting against.
18. Chairperson Handel stated there was a possible conflict of interest recusal issue involving potential litigation. Chairperson Handel cautioned the board not to discuss any elements, merits or lack thereof, of potential litigation. Discussion ensued.
19. Chairperson Handel called for the continuation of the Inspector General cases.

- i. SEB Case No. 2008-000001 City of Arlington – Chris Harvey presented this case and recommended referring the case against Mr. Clark, Mr. Williams, and Mr. Bostwick to the AG's office. Public speakers were Turner Bostwick and Tommy Coleman, City Attorney.

Randy Evans made a motion to refer all Respondents to the AG's office, Chairperson Handel seconded; the motion passed unanimously.

- j. SEB Case No. 2008-000002 City of Lovejoy – Chris Harvey presented this case and recommended referring the case to the AG's office. The Inspector General informed the Board that the issue regarding Allegation #1 was corrected and therefore no action was needed. Public speakers were Keith Martin, Attorney for the City and Mr. Burnham, Matt McCord, Attorney for Ms. Smith, and Pamela Everett, Attorney for Clayton County and Ms. Francis.

David Worley made a motion to dismiss Allegation #5. Tex McIver seconded and the motion passed unanimously. Tex McIver made a motion to refer Allegations #2, 3, and 4 to the AG's office. Jeff Israel seconded and the motion passed unanimously.

- k. SEB Case No. 2008-000003 City of North High Shoals – Chris Harvey presented this case and recommended referring the case to the AG's office. Public speakers were Sandy Brooks, Steve Holzman, Eddie Cape, Fred Johnson, and Beita Bell.

Randy Evans made a motion to refer the case to the AG's office, Chairperson Handel seconded; the motion passed unanimously.

- l. SEB Case No. 2008-000005 City of Sparta – Chris Harvey presented this case and recommended referring the case to the AG's office. Public speakers were Jean Vockman, Helen Martin, and Nancy Stevens.

Chairperson Handel made a motion to refer the case to the AG's office for an Administrative Law Judge Hearing. David Worley seconded the motion and the motion passed unanimously.

20. At 3:00 p.m. Tex McIver asked to be excused from the meeting and Chairperson Handel granted his request.

- m. SEB Case No. 2008-000006 McIntosh County – Chris Harvey presented this case and recommended referring the case to the AG's office. Public speakers were Robert Mucha, James Parker and Dave Kitchen.

Chairperson Handel made a motion to refer the case to the AG's office for a Letter of Instruction at a minimum for James and Laurel Johns and Mr. Watson. David Worley seconded; the motion passed 4 - 0. Chairperson Handel made a motion to refer Mr. Parker to the AG's office for a Consent Order, Randy Evans seconded; the motion passed 3 – 1 with David Worley voting against.

- n. SEB Case No. 2008-000007 Anthony Scott Hobbs – Shawn LaGrua stated the attorney requested a continuance.

Chairperson Handel made a motion to grant the continuance, David Worley seconded; the motion passed 3 – 0. Randy Evans recused himself.

- o. SEB Case No. 2008-000009 City of Darien – Chris Harvey presented the case and recommended this case be closed.

David Worley made a motion to close the case, Jeff Israel seconded; the motion passed 4 - 0.

- p. SEB Case No. 2008-000014 Randolph County – Shawn LaGrua presented the case and recommended the case be referred to the AG's office. Public speakers were Tommy Coleman, Randolph County Attorney, and Edward Johnson.

Randy Evans made a motion to refer the case to the AG's office, Jeff Israel seconded; the motion passed 4 - 0.

- q. SEB Case No. 2008-000019 Carroll County – Shawn LaGrua presented the case and recommended the case be closed. Jerry DeMarce spoke briefly.

David Worley made a motion to close the case, Jeff Israel seconded; the motion passed 4 - 0.

- r. SEB Case No. 2008-000025 DeKalb County – Shawn LaGrua presented the case and recommended that DeKalb County get training for the 2 Respondents if they were still employed.

David Worley made a motion to refer Allegation #1 to the AG's office for a letter and dismissal of Allegation #2. Chairperson Handel seconded; the motion passed 4 - 0.

- s. SEB Case No. 2008-000035 Paulding County – Prior to Shawn LaGrua presenting the case, David Worley stated the case attorney, Michael Jablonski, contacted him and requested a continuance. Based on this, Mr. Worley made a motion to grant the continuance requested by the attorney. Chairperson Handel seconded and the motion passed 4 - 0.

- t. SEB Case No. 2008-000059 Talbot County – Shawn LaGrua presented this case and recommended the case be closed.

Randy Evans made a motion to close the case, David Worley seconded; the motion passed 4 - 0.

- u. SEB Case No. 2008-000061 Zep Sales and Service – Shawn LaGrua presented this case and recommended the case be closed.

Randy Evans stated he believed the Board did not have jurisdiction and Stefan Ritter, AG's office, agreed. No action was taken due to lack of jurisdiction over the matter.

- v. Shawn LaGrua provided an update for the Chattooga County case stating it was presented to the Grand Jury on September 5, 2008 and Carlton Vines was indicted. No arraignment has been set and the investigation is still ongoing.

21. Chairperson Handel moved to the next order of business, the Attorney General cases.

- a. SEB Case No. 2006-000051 Fannin County - Calandra Almond presented the case stating that Lena Early admitted to the conduct in question and has entered into a Consent Order providing for a \$1,200 fine, a cease and desist order, a public reprimand, and appropriate training.

Randy Evans made a motion to accept the Consent Order, Chairperson Handel seconded; the motion passed 4 - 0.

- b. SEB Case No. 2007-000009 City of Byromville - Calandra Almond presented the case stating that Shantinika Felton admitted to the conduct in question and has entered into a Consent Order providing for a reprimand and a cease and desist order.

Chairperson Handel made a motion to accept the Consent Order, Randy Evans seconded; the motion passed 4 - 0.

- c. SEB Case No. 2008-000021 Cherokee County - Calandra Almond presented the case and recommended the case be closed.

David Worley made a motion to accept the recommendation and close the case, Jeff Israel seconded; the motion passed 4 - 0.

22. Matthew Carrothers, Director of Media Relations, gave a brief on the Photo ID Outreach.

23. Wesley Tailor, Director of Elections, gave an Elections Update.

24. Jeff Israel made a motion to adjourn the meeting, Chairperson Handel seconded; the motion passed unanimously. Being no further business, the meeting was adjourned at 4:50 p.m.